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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,864	12/11/2003	Kevin Blair Frender	BEAS-01307US1	8087
23910 7590 06/12/2008 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER KAWSAR, ABDULLAH AL				
ART UNIT		PAPER NUMBER		
2195				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,864

Applicant(s)

FRENDER ET AL.

Examiner

ABDULLAH AL KAWSAR

Art Unit

2195

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 6, 15, 19, 24, 28, 29, 38, 42, 47, 51, 52, 61 and 65 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1, 5-6, 15, 19, 24, 28, 29, 38, 42, 47, 51, 52, 61, 65 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/03/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 5, 6, 15, 19, 24, 28, 29, 38, 42, 47, 51, 52, 61 and 65 are pending. Previous objections and rejections not included in this Office Action have been withdrawn.

Claim Objections

2. Claims 19, 42 and 65 are objected to because of the following informalities:

Claims 19, 42 and 65 are dependent on canceled claims 18, 41 and 65.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 6, 15, 19, 24, 28, 29, 38, 42, 47, 51, 52, 61 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richards et al. (US 2002/0147850 A1; "Richards") in view of Jaworski and Kikins et al. (US 2003/0147850; "Kikins").
5. Richards, Jaworski and Kikins were cited in the previous office action.
6. As to claim 1, Richards teaches a mobile device (¶ 40) comprising:

a memory to store application data, the application data being associated with an application (§ 19, 40, 42); and

a processor to run the application, the application containing presentation information, information for interpreting the stored application data, and information for constructing messages to a server, using the information in the application to produce a display including data from the stored application data, interacting with a server to update stored application data in the background when a connection between the mobile device and server is available (§ 19, 37, 40, 42).

7. Richards fails to specifically teach the application data being persistent when the application is not running, executing a runtime environment program as claimed.

However, Jaworski teaches the application data being persistent when the application is not running (p. 934 ¶1 – 2) and executing a runtime environment program (Fig. 1.1; p. 5 ¶2 – 3).

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Richards teaches using Java (§40) and Jaworski teaches details of Java.

8. Richard and Jaworski do not specifically disclose wherein the runtime environment program sends simplified messages to the server; wherein the server converts the simplified messages into messages of a first protocol for the web service and converts messages of the first protocol from the web service into simplified messages for the mobile device; wherein the

protocol of the simplified messages is less complex than the first protocol; and wherein each simplified messages consists of title and single block of data in markup language format.

However Kikins teaches wherein the runtime environment program sends simplified messages to the server(¶77, 105);

wherein the server converts the simplified messages into messages of a first protocol for the web service and converts messages of the first protocol from the web service into simplified messages for the mobile device(¶77, 78, 188);

wherein the protocol of the simplified messages is less complex than the first protocol (abstract, lines 4-7; ¶107, lines 8-11); and

wherein each simplified messages consists of title and single block of data in markup language format (¶20, 58).

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both Richards and Kikinis are directed towards providing services and resources in distributed systems to devices such as hand-held computers and PDAs.

9. As to claim 5, Richards teaches the mobile device and the server use asynchronous messaging (abstract; ¶ 19, 42).

10. As to claim 6, Richards teaches messages are stored until a connection between the mobile device and server is available (abstract; ¶ 19, 42).

11. As to claim 15, Kikins teaches the application receives data from web service (§0013).
12. As to claim 19, Kikins teaches wherein a block of data in the simplified messages contains a fragment of a file in the markup language (§20, 105, 108).
13. As to claims 24, 28, 29, 38 42 and 47, 51, 52, 61, 65 see the rejection of claims 1, 5, 6, 15 and 19 above.

Response to Arguments

14. Applicant's arguments with respect to claim(s) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195